

ESTTA Tracking number: **ESTTA16872**

Filing date: **10/12/2004**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|-------------------------------|---|
| Proceeding | 91153648 |
| Party | Plaintiff HEATH VALLEY COMPANY 2820 8TH STREET BERKELEY, CA 94710 |
| Correspondence Address | ROBERT W. SMITH MCCARTER & ENGLISH, LLP FOUR GATEWAY CENTER; 100 MULBERRY STREET NEWARK, NJ 07102-4096 |
| Submission | Motion to Suspend for Settlement Discussions |
| Filer's Name | Robert W. Smith |
| Filer's e-mail | rsmith@mccarter.com |
| Signature | /Robert W. Smith/ |
| Date | 10/12/2004 |
| Attachments | CABSHA motion to suspend.pdf (2 pages) |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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|-----------------------|---|-----------------|----------|
| -----X | | | |
| HEALTH VALLEY COMPANY | : | Opposition No.: | 91153648 |
| Opposer, | : | | |
| -against- | : | Mark: | CABSHA |
| | : | | |
| ARCOR S.A.I.C. | : | | |
| Applicant. | : | | |
| -----X | | | |

**MOTION ON CONSENT FOR SUSPENSION
OF OPPOSITION PROCEEDINGS**

Opposer hereby requests that the date for proceedings in this matter, along with all due dates, be further suspended for a period of six months.

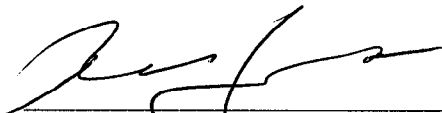
Over the past six months, the parties have been in the process of settlement negotiations regarding this Opposition proceeding. In recent months, the parties have come closer to agreement on settlement terms. Several drafts of the settlement agreement have been exchanged between the parties. However, more time is needed to continue settlement discussions and to finalize a settlement agreement, if possible.

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Applicant, by its attorney, Kristin B. Whiting, of the firm of Hughes Hubbard & Reed LLP, consented to this motion via a telephone conference on October 11, 2004.

Dated: Newark, New Jersey
October 12, 2004

McCARTER & ENGLISH, LLP

By: 
Robert W. Smith
Four Gateway Center
100 Mulberry Street
Newark, New Jersey 07102
(973) 622-4444

Attorneys for Opposer,
HEALTH VALLEY COMPANY

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing MOTION ON CONSENT FOR SUSPENSION OF OPPOSITION PROCEEDINGS was served on the attorneys for Applicant, Kristin B. Whiting, Hughes Hubbard & Reed LLP, One Battery Park Plaza, New York, NY 10004-1482, by U.S. Postal Service first class mail on the 12th day of October, 2004.


Kimberly A. Knoll